

## **REMARKS**

The specification has been amended to recite the identified trademarks in capital letters and to include generic terminology. Accordingly, the objections to the specification can be withdrawn.

Claim 1 has been amended to recite that the film system comprises a plurality of films that contain organic and/or inorganic constituents that differ from each other, at least in part, and related original claim 6 has been canceled.

Claim 2 has been canceled.

Claim 10 has been amended to incorporate the feature of claim 11, which has been canceled, and the term "high-melting" has been deleted, obviating the rejections of those claims under 35 USC § 112, ¶¶ 1 and 2.

Claims 12-24 have been amended to correct minor informalities, obviating the rejections under 35 USC § 112, ¶ 2.

No new matter has been added.

As for the remaining § 112 rejection regarding the phrase "hybrid film system," claim 1 has been amended consistent with the specification to clarify that the hybrid film system is to be understood as a system in which more than one film has to be present, i.e. that the film system has to be built up from at least two layers. Reconsideration and withdrawal of the § 112 rejections are respectfully requested.

### **Claim Rejections Under 35 USC § 102**

In view of the amendments and remarks above, it is respectfully submitted that the rejections can be withdrawn.

The technical teaching of the current inventions differs from the state of the art in that none of the documents cited describes a hybrid system comprising a plurality of films. The invention, for example, enables one to cover an elastic transparent carrier film like a polymeric foil with an intumescent material. This "hybrid film system" can be produced independently and later be incorporated between two sheets of glass to provide a fire resistant glazing.

De Boel (US 4,190,698) does not teach such a composite layer built-up but a sole layer system, which is not a hybrid system. Claim 1 as amended also distinguishes von Bonin (US 5,182,049) which teaches the use of clear gels. Those gels lack a separation into

two layers already by their nature of being not solid, but a gel. In the same way as De Boel, also Zernial (EP 1044801) fails to disclose a two-layer system.

With respect to Bond (WO 03/024682), this reference describes that a waterglass solution containing glycerine can be spread on a flexible substrate and can be removed therefrom (page 1, 4th paragraph). However, Bond does not state that the flexible substrate is built into the fire-resistant glazing. Bond describes instead of that that the fire-resistant layer is removed and incorporated into the glazing, but without the flexible substrate. Thus, the current invention differs from Bond at least in that aspect. The hybrid films of this invention can permit a thinner layer thickness of the intumescent material, as this layer need not be removed from the flexible substrate to be placed between the glass planes. This allows for improvement in the overall optical properties, especially with respect to transparency of the resulting glazing, which is a very important factor. Accordingly, the claimed invention is not only novel over Bond, but shows technical advantages which make the invention non-obvious.

To the extent that the rejection of original claim 6 interprets a glass layer in De Boel and Bond as a “film” according to the claims, the rejection is traversed. The basis for the rejection of original claim 6 in view of von Bonin, and Zernial is not clear, as the corresponding elements alleged to constitute the individual films according to the claim were not identified in the rejection. If the rejection of claim 1 is maintained, then clarification and an opportunity to respond are respectfully requested.

The interpretation of a glass layer in De Boel or Bond as a “film” layer according to the invention is inconsistent with the common meaning of the term, and the term “film” as used in the specification, which treats the hybrid film system and glass panes as distinct species. See, for example, the third and fourth paragraphs on page 1, the third paragraph on page 2, the paragraph bridging pages 7 and 8. Notably, the specification, particularly on pages 2-3, distinguishes prior art fire protection glazings, which clearly include both fire protection layers and glass layers. The claims are to be given their broadest reasonable interpretation in consistent with the specification. MPEP 2111. It is respectfully submitted that an interpretation of “hybrid film system” which would include a glass layer of De Boel or Bond as a “film” layer is decidedly *inconsistent* with the present specification. Accordingly, withdrawal of the rejections is in order.

### **Conclusion**

In view of the foregoing, entry of the amendments to the claims and allowance of all pending claims are respectfully requested. Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, the examiner is urged to telephone the undersigned attorney at the indicated number.

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Respectfully submitted,

By /Michael Muczynski #48,642/

Michael Muczynski

Registration No.: 48,642

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant